

From: mkrieger239@earthlink.net
Sent: Fri 6/27/03 10:50 AM
Subject: 92040976 - Req' to extend time to answer

Dear Ms. Greenfield:

Attached as a Word document file (Req4xtn.ois) is a request for extension of time to answer the Petition to Cancel.

Since I don't use MS WORD, in an abundance of caution I have included a pure text version of the Request below.

Thanks,

Michael Krieger
310/428-5208

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

Cancellation No. 92040976)	
NY-Exotics, Inc.))	
Petitioner))	
v.))	REQUEST
FOR EXTENSION OF)	
TIME TO ANSWER PETITION TO)	
Exotics.com, Inc.) CANCEL)	
Respondent))	
)	

Via email: TTAB.Efiling@USPTO.GOV
Commissioner for Trademarks
2900 Crystal Drive
Arlington VA 22202-3513

Reference: May 30, 2003 communication of the Trademark Trial and Appeal Board

With respect to the above-referenced communication and on behalf of Respondent Exotics.com, Inc. (Exotics), the undersigned requests that the

time to respond be extended three weeks to July 21, 2003. This request is based on the following.

A. Preliminaries

1. I am an attorney at law, duly authorized to practice law as a member of the State Bar of California.

2. On June 21, 2003, I was called by Ingo Mueller, CEO of Exotics, to discuss representing the Respondent in this proceeding. Mr. Mueller apparently had taken to heart the Board's admonition to seek representation and the referral was made by Siegler, Kuber & Sexton (which represents Respondent on certain non-trademark matters), I tentatively agreed to handle the matter and Mr. Mueller meanwhile has sent copies of numerous documents related to the subject Mark and it's prosecution. I now await a retainer and an executed power of attorney.

3. A review of the papers reveals that a proper understanding of the facts relevant to answering the instant Petition will require analyzing and digesting further documents and corporate history. This arises because the Petition and its very basis appear to be part of a larger, adversarial relationship between the parties and their principals that evolved (or perhaps better, 'deteriorated') from once cooperative ventures dating to at least 1997.

4. Meanwhile, even if the documents could be quickly obtained (not likely since Exotics is in Vancouver BC and, moreover, Mr. Mueller is away), I have longtime commitments over the next three days which leave inadequate time to write a proper response. Among other things, as a past Board Member and current chair of the Computer Law Committee of the IP Section of the State Bar of California, I am committed to participate in the officers' planning retreat which commences late today, July 27, and runs through June 29.

5. In light of the foregoing, i.e., lacking relevant documents and the time

to analyze even what is so far at hand, I fear not being able to complete an appropriate answer to the Petition by June 30, thereby undercutting this matter being "decided on the merits." Finally, since the present Petition and the purported contract it turns on are small parts of a history of business interactions, a thorough understanding of that history appears likely to reveal equitable defenses.

6. Accordingly, an extension of time to answer until July 21, 2003, is requested.

DATED: June 27, 2003

Respectfully submitted,

Michael M. Krieger
Attorney for Respondant
10920 Wilshire Blvd., Ste.150-9168
Los Angeles CA 90024
310/428-5208, fx: 310/788-3238
<mkrieger239@earthlink.net>

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this REQUEST FOR EXTENSION OF TIME TO ANSWER PETITION TO CANCEL is being served on Petitioner by deposit with the United States Postal Service on June 27, 2003, as first class mail in an envelope addressed to:

Jenkins & Gilchrist
Attn: Cathryn A. Berryman
1445 Ross Avenue, Suite 3200
Dallas TX 75202-2799

Krieger

Michael M.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

NY-Exotics, Inc.)	Cancellation No. 92040976
)	
Petitioner)	
v.)	REQUEST FOR EXTENSION OF
Exotics.com, Inc.)	TIME TO ANSWER PETITION TO
)	CANCEL
Respondent)	
_____)	

Via email: TTAB.Efiling@USPTO.GOV
Commissioner for Trademarks
2900 Crystal Drive
Arlington VA 22202-3513

Reference: May 30, 2003 communication of the Trademark Trial and Appeal Board

With respect to the above-referenced communication and on behalf of Respondent Exotics.com, Inc. (*Exotics*), the undersigned requests that the time to respond be extended three weeks to July 21, 2003. This request is based on the following.

A. Preliminaries

1. I am an attorney at law, duly authorized to practice law as a member of the State Bar of California.
2. On June 21, 2003, I was called by Ingo Mueller, CEO of Exotics, to discuss representing the Respondent in this proceeding. Mr. Mueller apparently had taken to heart the Board's admonition to seek representation and the referral was made by Siegler, Kuber & Sexton (which represents Respondent on certain non-trademark matters), I tentatively agreed to handle the matter and Mr. Mueller meanwhile has sent copies of numerous documents related to the subject Mark and it's prosecution. I now await a retainer and an executed power of attorney.
3. A review of the papers reveals that a proper understanding of the facts relevant to answering the instant Petition will require analyzing and digesting further documents and corporate history. This arises because the Petition and its very basis appear to be part of a larger, adversarial relationship between the parties and their principals that evolved (or perhaps better, 'deteriorated') from once cooperative ventures dating to at least 1997.
4. Meanwhile, even if the documents could be quickly obtained (not likely since Exotics is in Vancouver BC and, moreover, Mr. Mueller is away), I have longtime commitments over the next three days which leave inadequate time to write a proper response. Among other things, as

a past Board Member and current chair of the Computer Law Committee of the IP Section of the State Bar of California, I am committed to participate in the officers' planning retreat which commences late today, July 27, and runs through June 29.

5. In light of the foregoing, i.e., lacking relevant documents and the time to analyze even what is so far at hand, I fear not being able to complete an appropriate answer to the Petition by June 30, thereby undercutting this matter being "decided on the merits." Finally, since the present Petition and the purported contract it turns on are small parts of a history of business interactions, a thorough understanding of that history appears likely to reveal equitable defenses.

6. Accordingly, an extension of time to answer until July 21, 2003, is requested.

DATED: June 27, 2003

Respectfully submitted,

Michael M. Krieger
Attorney for Respondant
10920 Wilshire Blvd., Ste.150-9168
Los Angeles CA 90024
310/428-5208, fx: 310/788-3238
<mkrieger239@earthlink.net>

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this REQUEST FOR EXTENSION OF TIME TO ANSWER PETITION TO CANCEL is being served on Petitioner by deposit with the United States Postal Service on June 27, 2003, as first class mail in an envelope addressed to:

Jenkins & Gilchrist
Attn: Cathryn A. Berryman
1445 Ross Avenue, Suite 3200
Dallas TX 75202-2799

Michael M. Krieger